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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. KIRK ALLEN JORDAN, Defendant.	CR 18-138-BLG-SPW OFFER OF PROOF
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The United States of America, represented by Thomas K. Godfrey, Assistant United States Attorney for the District of Montana, files its Offer of Proof.

THE CHARGE

The defendant, Kirk Allen Jordan, is charged by indictment with prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count I); and possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d) (Count II).

PLEA AGREEMENT

There is a plea agreement in this case. The defendant will plead guilty to Count II, possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d), and admit to the forfeiture allegation contained in the indictment with the benefit of a plea agreement. The United States will move to dismiss Count I at the time of sentencing if the Court accepts the plea agreement. The United States presented all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the Court represents, in the government's view, the most favorable offer extended to the defendant. *See Missouri v. Frye*, 566 U.S. 133 (2012).

ELEMENTS OF THE CHARGE TO WHICH HE WILL PLEAD

In order for the defendant to be found guilty of possession of an unregistered firearm, as charged in Count II of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed the firearm as charged; and

Second, the shotgun had a barrel of less than 18 inches in length;

Third, the firearm was not registered to the defendant in the National Firearm Registration Transfer Record.

PENALTY

This offense carries a punishment of ten years imprisonment, a \$10,000 fine, at least three years of supervised release, and a \$100.00 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On or about October 23, 2018, the Billings Police Department (BPD) received a tip that the residence of Kirk Allen Jordan, who was currently on probation with the state of Montana, contained firearms and drugs. The BPD surveilled the residence and observed lots of vehicle traffic coming to and from the residence.

Near the residence was a vehicle parked in an alley. The vehicle was towed and found to contain an ounce of meth. Law enforcement believed the owner of the vehicle was inside the residence. Law enforcement made contact with a female who left the residence who confirmed there were guns inside.

Probation and Parole was contacted and confirmed that Jordan was registered to that address. Probation and Parole Officer authorized a search of the residence. Jordan was located in his bedroom covering up something with clothes. In Jordan's bedroom firearms were recovered: (1) Sig-Sauer, model 1911, .45 caliber, semi-automatic pistol, S/N: 54B037085; (2) High Standard (J.C. Higgins), model 66, 12 gauge, semi-automatic shotgun with a short barrel of less than 18 inches in length and no S/N. In addition, methamphetamine and drug paraphernalia were located in the bedroom.

Jordan is currently on supervision for his conviction on August 8, 2017 for Criminal Possession with Intent to Distribution; Criminal Possession of Dangerous Drugs, and Criminal Possession of Paraphernalia. On May 31, 2018, Jordan initialed and signed the conditions of his P&P supervision which included the no firearms provision.

The Breuer of Alcohol, Tobacco, Firearms, and Explosives determined that the firearms were not manufactured in Montana and thus affected interstate commerce. They further determined the shotgun was required to be registered in the National Firearm Registration Transfer Record but was not.

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DATED this 8th day of February, 2019.

KURT G. ALME
United States Attorney

/s/ Thomas K. Godfrey
THOMAS K. GODFREY
Assistant U.S. Attorney